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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,462	08/10/2001	Richard Bugaj	3961.47USWO	1247

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EXAMINER

WILLIAMS, THOMAS J

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 10/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/868,462

Applicant(s)

BUGAJ, RICHARD

Examiner

Thomas J. Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) 7-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Acknowledgment is made in the receipt of the declaration and the information disclosure statement filed August 10, 2001.

Election/Restrictions

2. Applicant's election of Species A in Paper No. 7 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Regarding claim 1 lines 1-2, it is unclear which of the first or second piston chambers is provided with the piston. Line 2 recites "an axially displaceable piston received in said piston chamber...", this is interpreted by the examiner as implying that only one chamber is provided with a piston. Art will be applied in this manner.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,098,120 to Hayashi et al.

Re-claim 1, Hayashi et al. discloses a shock absorber, comprising: first 141 and second 161 axially aligned cylinders having a liquid filled piston chamber, an axially displaceable piston is received in the piston chamber, and means for dampening axial displacement of the piston through the liquid in the piston chamber, a piston rod 143 extends between the first and second cylinder piston chambers, first and second axial ends of the piston rod are connected to the first 142 and second 163 cylinder pistons. The first and second cylinders are connected to a vehicle and wheel suspension. Piston 142 is provided with a valve means, see figure 2.

Re-claim 2, the first cylinder is provided with a sealed gas chamber. The use of floating pistons to separate a fluid and gas is well known in the art.

8. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by US 2,206,800 to Armstrong.

Re-claim 1, Armstrong discloses a shock absorber, comprising: first and second axially aligned cylinders having a liquid filled piston chamber 20 and 21, an axially displaceable piston 18 and 19 is received in each of the piston chambers, means (valve elements) for dampening axial displacement of the piston through the liquid in the piston chamber, a piston rod 15 extends between the first and second cylinder piston chambers, first and second axial ends of the piston rod are connected to the first 18 and second 19 cylinder pistons. The first and second cylinders are connected to a vehicle and wheel suspension. The cylinders are axially aligned with respect to a common axis located parallel to the cylinders.

Re-claim 5, the shock absorber further comprises first and second coil springs 22, each of the coil springs has a first end axially fixed with respect to the piston rod and a second end axially fixed with respect to the cylinder.

9. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US 4,662,486 to Stenberg.

Stenberg discloses a shock absorber, comprising: first 3 and second 4 axially aligned cylinders having a liquid filled piston chamber, an axially displaceable piston 7 and 8 is received in each of the piston chambers, and means for dampening axial displacement of the piston through the liquid in the piston chamber, a piston rod 6 extends between the first and second cylinder piston chambers, first and second axial ends of the piston rod are connected to the first and second cylinder pistons. The first and second cylinders are connected to a vehicle and wheel suspension. The piping between the chambers will act as a dampening means.

Claim Rejections - 35 USC § 103

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi et al. in view of US 2,774,446 to Bourcier De Carbon.

Hayashi et al. is silent regarding a valve means attached to the gas chamber. Bourcier De Carbon teaches a gas chamber located at one end of a cylinder, the gas chamber is provided with a valve means that allows for adjustment of the internal pressure of the gas chamber. It would have been obvious to one of ordinary skill in the art to have provided the shock absorber of Hayashi et al. with a valve connected to the gas chamber as taught by Bourcier De Carbon, thus providing an easy method of charging the gas chamber to the required pressure level.

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11. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi et al. in view of US 5,360,230 to Yamada et al.

Hayashi et al. fails to teach the gas chamber as being disposed externally to the cylinder. Yamada et al. teaches that a gas chamber is locatable at either the end portion of a cylinder, see figure 2a, or disposed externally to the cylinder, see figure 8a. It would have been obvious to one of ordinary skill in the art to have disposed the gas chamber of Hayashi et al. externally to the cylinder as taught by Yamada et al., thus reducing the overall length of the shock absorber. The gas chamber of Yamada et al. is provided with a valve means for adjusting the internal pressure of the gas chamber.

Allowable Subject Matter

12. Claim 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ike et al. teaches a pneumatic shock absorber having first and second axially aligned cylinders connected by a common piston rod. Kirk teaches a hydraulic braking device having first and second axially aligned cylinders connected by a common piston rod. Tresch et al. teaches a shock absorber having a plurality of axially aligned cylinders. Petersen teaches a pneumatic spring with a first and second axially aligned cylinders connected by a common piston rod.

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14. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is (703) 305-1346. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder, can be reached at (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

TJW

October 3, 2002


JACK LAVINDER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600
10/3/02